

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1001 be amended to read as follows:

1           Page 102, after line 41, begin a new paragraph and insert:  
2           SECTION 41. IC 4-33-12-6, AS AMENDED BY P.L.4-2005, SECTION 23, IS  
3        AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:  
4           Sec. 6. (a) The department shall place in the state general fund the tax revenue  
5        collected under this chapter.  
6           (b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7, the treasurer  
7        of state shall quarterly pay the following amounts:  
8           (1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected  
9        by the licensed owner for each person embarking on a gambling excursion during the  
10       quarter or admitted to a riverboat that has implemented flexible scheduling under IC  
11       4-33-6-21 during the quarter shall be paid to:  
12        (A) the city in which the riverboat is docked, if the city:  
13           (i) is located in a county having a population of more than one hundred ten thousand  
14           (110,000) but less than one hundred fifteen thousand (115,000); or  
15           (ii) is contiguous to the Ohio River and is the largest city in the county; and  
16        (B) the county in which the riverboat is docked, if the riverboat is not docked in a city  
17        described in clause (A).  
18        (2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected  
19        by the licensed owner for each person:  
20           (A) embarking on a gambling excursion during the quarter; or  
21           (B) admitted to a riverboat during the quarter that has implemented flexible scheduling  
22        under IC 4-33-6-21;  
23        shall be paid to the county in which the riverboat is docked. In the case of a county  
24        described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1)  
25        received under subdivision (1)(B).  
26        (3) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected  
27        by the licensed owner for each person:  
28           (A) embarking on a gambling excursion during the quarter; or  
29           (B) admitted to a riverboat during the quarter that has implemented flexible scheduling  
30        under IC 4-33-6-21;  
31        shall be paid to the county convention and visitors bureau or promotion fund for the

1 county in which the riverboat is docked.

2 (4) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax  
3 collected by the licensed owner for each person:

4 (A) embarking on a gambling excursion during the quarter; or  
5 (B) admitted to a riverboat during a quarter that has implemented flexible scheduling  
6 under IC 4-33-6-21;  
7 shall be paid to the state fair commission, for use in any activity that the commission is  
8 authorized to carry out under IC 15-1.5-3.

9 (5) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected  
10 by the licensed owner for each person:

11 (A) embarking on a gambling excursion during the quarter; or  
12 (B) admitted to a riverboat during the quarter that has implemented flexible scheduling  
13 under IC 4-33-6-21;  
14 shall be paid to the division of mental health and addiction. The division shall allocate at  
15 least twenty-five percent (25%) of the funds derived from the admissions tax to the  
16 prevention and treatment of compulsive gambling.

17 (6) Except as provided in subsection (k), sixty-five cents (\$0.65) of the admissions tax  
18 collected by the licensed owner for each person embarking on a gambling excursion  
19 during the quarter or admitted to a riverboat during the quarter that has implemented  
20 flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing  
21 commission to be distributed as follows, in amounts determined by the Indiana horse  
22 racing commission, for the promotion and operation of horse racing in Indiana:

23 (A) To one (1) or more breed development funds established by the Indiana horse racing  
24 commission under IC 4-31-11-10.

25 (B) To a racetrack that was approved by the Indiana horse racing commission under IC  
26 4-31. The commission may make a grant under this clause only for purses, promotions,  
27 and routine operations of the racetrack. No grants shall be made for long term capital  
28 investment or construction, and no grants shall be made before the racetrack becomes  
29 operational and is offering a racing schedule.

30 (c) With respect to tax revenue collected from a riverboat located in a historic hotel  
31 district, the treasurer of state shall quarterly pay the following amounts:

32 (1) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be  
33 paid to the county treasurer of the county in which the riverboat is docked. The county  
34 treasurer shall distribute the money received under this subdivision as follows:

35 (A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a  
36 county having a population of more than thirty-nine thousand six hundred (39,600) but  
37 less than forty thousand (40,000) for appropriation by the county fiscal body after  
38 receiving a recommendation from the county executive. The county fiscal body for the  
39 receiving county shall provide for the distribution of the money received under this clause  
40 to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a  
41 formula established by the county fiscal body after receiving a recommendation from the  
42 county executive.

43 (B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a  
44 county having a population of more than ten thousand seven hundred (10,700) but less  
45 than twelve thousand (12,000) for appropriation by the county fiscal body. The county  
46 fiscal body for the receiving county shall provide for the distribution of the money  
47 received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21)  
48 in the county under a formula established by the county fiscal body after receiving a  
49 recommendation from the county executive.

50 (C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for  
51 appropriation by the county fiscal body after receiving a recommendation from the county

executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(2) Sixteen percent (16%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(A) is located in the county in which the riverboat docks; and

(B) contains a historic hotel.

The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission.

(3) Nine percent (9%) of the admissions tax collected during the quarter shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.

(4) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(5) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

(A) Job creation and retention.

(B) Infrastructure, including water, wastewater, and storm water infrastructure needs.

(C) Housing.

(D) Workforce training.

(E) Health care.

(F) Local planning.

(G) Land use.

(H) Assistance to regional economic development groups.

(I) Other regional development issues as determined by the Indiana economic development corporation.

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the city in which the riverboat is docked.

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

- 1 (A) embarking on a gambling excursion during the quarter; or  
 2 (B) admitted to a riverboat during the quarter that has implemented flexible scheduling  
 3 under IC 4-33-6-21;  
 4 shall be paid to the county in which the riverboat is docked.
- 5 (3) Except as provided in subsection (k), ~~nine~~ **eight** cents (~~\$0.09~~) (**\$0.08**) of the  
 6 admissions tax collected by the licensed owner for each person:  
 7 (A) embarking on a gambling excursion during the quarter; or  
 8 (B) admitted to a riverboat during the quarter that has implemented flexible scheduling  
 9 under IC 4-33-6-21;  
 10 shall be paid to the county convention and visitors bureau or promotion fund for the  
 11 county in which the riverboat is docked.
- 12 (4) Except as provided in subsection (k), ~~one cent (\$0.01)~~ **two cents (\$0.02)** of the  
 13 admissions tax collected by the licensed owner for each person:  
 14 (A) embarking on a gambling excursion during the quarter; or  
 15 (B) admitted to a riverboat during the quarter that has implemented flexible scheduling  
 16 under IC 4-33-6-21;  
 17 shall be paid to the northwest Indiana law enforcement training center.
- 18 (5) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax  
 19 collected by the licensed owner for each person:  
 20 (A) embarking on a gambling excursion during the quarter; or  
 21 (B) admitted to a riverboat during a quarter that has implemented flexible scheduling  
 22 under IC 4-33-6-21;  
 23 shall be paid to the state fair commission for use in any activity that the commission is  
 24 authorized to carry out under IC 15-1.5-3.
- 25 (6) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected  
 26 by the licensed owner for each person:  
 27 (A) embarking on a gambling excursion during the quarter; or  
 28 (B) admitted to a riverboat during the quarter that has implemented flexible scheduling  
 29 under IC 4-33-6-21;  
 30 shall be paid to the division of mental health and addiction. The division shall allocate at  
 31 least twenty-five percent (25%) of the funds derived from the admissions tax to the  
 32 prevention and treatment of compulsive gambling.
- 33 (7) Except as provided in subsection (k), sixty-five cents (\$0.65) of the admissions tax  
 34 collected by the licensed owner for each person embarking on a gambling excursion  
 35 during the quarter or admitted to a riverboat during the quarter that has implemented  
 36 flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing  
 37 commission to be distributed as follows, in amounts determined by the Indiana horse  
 38 racing commission, for the promotion and operation of horse racing in Indiana:  
 39 (A) To one (1) or more breed development funds established by the Indiana horse racing  
 40 commission under IC 4-31-11-10.  
 41 (B) To a racetrack that was approved by the Indiana horse racing commission under IC  
 42 4-31. The commission may make a grant under this clause only for purses, promotions,  
 43 and routine operations of the racetrack. No grants shall be made for long term capital  
 44 investment or construction, and no grants shall be made before the racetrack becomes  
 45 operational and is offering a racing schedule.
- 46 (e) Money paid to a unit of local government under subsection (b)(1) through (b)(2),  
 47 (c)(1) through (c)(2), or (d)(1) through (d)(2):  
 48 (1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general  
 49 fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) Money paid by the treasurer of state under subsection (b)(3) or (d)(3) shall be:  
(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) This subsection applies to the following:

(1) Each entity receiving money under subsection (b).

(2) Each entity receiving money under subsection (d)(1) through (d)(2).

(3) Each entity receiving money under subsection (d)(5) through (d)(7).

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) This subsection applies to an entity receiving money under subsection (d)(3) or (d)(4). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (d)(3) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection (d)(3). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection (d)(4). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(j) This subsection does not apply to an entity receiving money under subsection (c). For state fiscal years beginning after June 30, 2002, the total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (h) or (i). If the treasurer of state determines that the total amount of money distributed to an entity under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5(g).

(k) This subsection does not apply to an entity receiving money under subsection (c).

- 1 For state fiscal years beginning after June 30, 2002, the treasurer of state shall pay that  
2 part of the riverboat admissions taxes that:  
3 (1) exceed a particular entity's base year revenue; and  
4 (2) would otherwise be due to the entity under this section;  
5 to the property tax replacement fund instead of to the entity.
- 6 Renumber all SECTIONS consecutively.  
(Reference is to EHB 1001 as printed April 6, 2007.)

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Senator MRVAN